



CITY OF NEWTON PLANNING DEPARTMENT

SIGNS

Section 26-8.1. Intent.

It is the general intent of this article to prohibit signs of a commercial nature in districts in which commerce is barred to limit signs in the commercial districts in relation to the intensity of the use of the district and its surroundings, and to control the number, area and location of signs in other districts and to insure that all signs and supports are properly secured and located upon buildings, under canopies or roof overhangs or on properties so as to minimize potential danger to the health, safety and welfare of the citizens of the City and its Planning Area. These regulations are designed, among other purposes, to stabilize and protect property values, maintain the visual attractiveness of the City and its environs and promote public safety.

Section 26-8.2. Signs subject to control; exceptions.

All signs visible from the public rights-of-way shall be erected, maintained and operated in accordance with this Section and other relevant controls, unless specifically excepted. Signs not subject to the provisions of this Section are listed in Section 26-8.3.

Section 26-8.3. Signs not subject to control.

The following signs are not subject to the control of this Section:

- (1) Non-illuminated signs not exceeding two (2) square feet in area, not of a commercial nature and bearing only property identification numbers and names, post office box numbers and name(s) of occupant(s) of the premises.
- (2) Insignia of any government and historic markers erected by a governmental body.
- (3) Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body or a nonprofit authority, all of the members of whose governing board are appointed by one (1) or more governmental bodies.
- (4) Integral decorative or architectural features of buildings, except moving parts or moving lights.
- (5) Signs directing and guiding traffic on private property, but which bear no advertising matter, and not exceeding four (4) square feet in size.

- (6) Free standing bulletin signs incidental to churches provided they do not exceed 12 sq. ft. in area and have a maximum height of six feet. The area of such bulletin signs shall be calculated as part of the total area of free standing signage per abutting street frontage.
- (7) Signs placed upon publicly funded modes of mass transportation shall be exempt from these regulations.

Section 26-8.4 Traffic safety precautions.

The following practices in relation to signs are prohibited, notwithstanding any other provisions in this Section, in order to preserve the safety of pedestrian and vehicular movement:

- (1) No sign shall be erected so that any part of it intrudes into the sign preservation triangle established by Section 26-6.8.
- (2) No sign shall use such words as “stop”, “slow”, “caution”, “danger”, or similar admonitions which may be confused with traffic directional signs erected by governmental agencies.
- (3) No sign shall be erected so as to, by its location, color nature or message, permit it to be confused with or obstruct the view of traffic signals or signs or would tend to be confused with the warning lights of an emergency or public safety vehicle.
- (4) No sign shall contain pulsating, rotating, oscillating, or flashing lights, except those showing time and temperature information.

Section 26-8.5. Prohibited locations for signs.

- (a) Except where specifically exempted by this Section, all signs shall be located outside of public rights-of-way.
- (b) Signs shall be attached to structures intended specifically for their support such as buildings, poles, fences, canopies and similar structures, but shall not be attached to any utility pole, tree, or rock.
- (c) In the B-3 Central Business District, signs which overhang the public right-of-way may be permitted, provided that the owner of such sign(s) execute a release of liability and indemnification document in favor of the City.

Section 26-8.6. Restriction on direct illumination.

No source of illumination for a sign shall be placed or constructed so as to allow the undiffused light rays there from being cast directly upon any public right-of-way, any residential district or upon adjacent premises.

Section 26-8.7. Zoning Clearance Permit required.

Before any sign, except those specifically exempted from such requirement, shall be erected or structurally altered, a Zoning Clearance Permit shall be obtained.

Section 26-8.8. Temporary signs.

(a) ***Not requiring permits.*** The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a Zoning Clearance Permit:

- (1) ***Real estate signs.*** A single sign on each street frontage may be erected, provided that such sign shall not be placed in any street right-of-way and shall not exceed thirty (32) square feet in area. The sign may contain the message that the property is for sale, lease, or rent and the name, address and phone number of the owner or the agent. The sign shall be removed immediately upon sale, or lease of the property.
- (2) ***Construction signs.*** A single construction site identification sign shall be permitted. It shall not exceed sixty-four (64) square feet in area, shall be located at least ten (10) feet from the front property line and may contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and subcontractors. The sign shall only be displayed for the duration of the project.
- (3) ***Political signs.*** Non-illuminated political signs, not exceeding thirty-two (32) square feet in area, are permitted and shall be removed within two (2) weeks subsequent to any election to which they pertain. (*Ord. No. 2002.15, 06-04-02*)

(b) ***Requiring permits.*** The following temporary signs require a Zoning Clearance Permit:

- (1) Temporary signs, balloons, blimps, aerial signs or banners erected for not more than fourteen (14) days announcing openings, closings, management changes or special events. Such signs shall be attached in total to a building wall or canopy or other permanent structure on the zoning lot. No more than six (6) such signs may be erected by any establishment within a calendar year. The permit for such signs shall be on display at the establishment.
- (2) Temporary signs or banners may be erected for not more than fourteen (14) days announcing a noncommercial and civic or philanthropic event in any district. Such signs or banners shall be limited to one (1) per lot with the written permission of the owner and may be located in required yards. Such signs may be located in public rights-of-way with the approval of the City Department of Public Works and/or the State Department of Transportation.
- (3) Two (2) temporary off-premise directional signs of up to ten (10) square feet in area and six (6) feet in height for any new business for a period of ninety (90) days following issuance of a Certificate of Occupancy. Such signs shall be limited to one (1) per lot with the written permission of the property owner, may not be located in any residential or office district, and may be located in required yards but shall not be located in any street right-of-way.

- (4) *Temporary signs for the sale of produce.* Signs for Christmas trees, crafts, seafood or similar items sold on a seasonal or temporary basis shall not exceed thirty-two (32) square feet in area or six (6) feet in height. Only one (1) such sign per temporary business shall be erected and shall be safely affixed to the ground or a permanent structure on the lot. A copy of the peddler's license for the temporary business shall be included in the permit application and the permit shall be kept at the business site. Such signs shall be removed within seven (7) days of the termination of sale activities. Such signs shall not be placed in any street right-of-way.
- (5) *Construction traffic signs.* Two (2) temporary off-premise signs directing construction may be erected during the construction period of a new business. Such signs may not exceed six (6) square feet in area or three (3) feet in height, shall be limited to one (1) sign per zoning lot with the written permission of the property owner, may not be located in any residential or office district, may be located in required yards and must be removed upon issuance of a Certificate of Occupancy.
- (6) *Trailer signs.* A-frame signs or signs on vehicles or electrified signs shall not be permitted to be used as temporary signs.
- (7) A cash bond in an amount to be set by City Council shall be posted to insure timely removal of temporary business signs. Such bond shall not limit the City's authority to take additional enforcement actions permitted by this Section.

Section 26-8.9. Non-conforming signs, inventory and termination of status.

- (a) The Planning Director, within one (1) year of the effective date of this Section, shall make, or cause to be made, an inventory of all signs. This inventory, which shall include all land within the City and its Extraterritorial Planning Jurisdiction, shall contain the location and description of the sign and the name and address of the owner(s) of the lot on which each sign is located, as they appear in the current tax roll. Additionally, for each sign, the Planning Director or his designee shall note the reasons for the determination that each sign is conforming to the requirements of this Article and Article V.

Upon completion of the inventory, the Planning Director shall notify, by first class mail, the owner(s) of the lot upon which each non-conforming sign is so classified. Such notice shall also include a copy of this Article, along with the name and official address of the Planning Director.

Within five (5) years of the date of the mailing of such notice, each non-conforming on-premise sign in the commercial and industrial districts made non-conforming by the adoption of this Section and all off-premise signs made nonconforming because of noncompliance with Section 26-8.4 shall either be altered in such a way as to comply with the provisions of this Chapter or be removed. Portable signs as defined by this Chapter shall be removed within six (6) months of the date of mailing of such notice. Existing nonconforming off-premise signs which were lawfully erected prior to adoption of this Chapter are exempt from this Chapter.

(b) All signs which are nonconforming because of noncompliance with Section 26-8.4 shall be altered to comply with section 26-8.4 or removed within one (1) year of the notice of nonconformity.

All other nonconforming signs shall be altered to comply with this chapter if they are replaced or upon a change in occupancy of the premises.

(c) Nonconforming on-site signs and sign information shall be removed at the discontinuance of a business use. Property owners are responsible for the removal of nonconforming signs. The owner of any existing or proposed sign which overhangs or will overhang a street right of way or sidewalk in the B-3 zoning district shall execute a liability and indemnification release document in favor of the City.

Section 26-8.10. Off-premise sign regulations.

The following shall apply to off-premise signs:

1. The maximum permitted area shall be three hundred (300) square feet for each side of a sign.
2. The maximum sign height shall be thirty-five (35) feet above the elevation of the pavement of the street adjacent to the sign location, whichever is higher.
3. Roof-mounted signs are prohibited.
4. Signs shall be limited to one (1) per zoning lot. Back to back or V-shaped signs shall be permitted, provided the interior angle between signs does not exceed fifteen (15) degrees.
5. The minimum horizontal separation for off-premise sign shall be seven hundred fifty (750) feet between signs on the same side of the right-of-way and three hundred seventy five (375) feet on opposite sides of the right-of-way.
6. Signs may be internally or externally illuminated subject to Section 26-8.6.
7. The off-premise sign shall be a minimum of five hundred (500) feet from the use, product, or service to which it refers. All distances shall be measured along the center line of the street adjacent to the sign.
8. Church and civic organization signs which do not exceed four and one-half (4.5) square feet in area are exempt from this Section.

Section 26-8.11. Portable signs prohibited.

Portable signs are prohibited from location or use within the City and its Extraterritorial Planning Jurisdiction.

Section 26-8.12. Off-premise directional signs.

The Planning Director or his designee may issue a Zoning Clearance Permit for a single off-premise directional sign for any publicly operated facility which cannot be seen from a collector or arterial street. The sign shall not exceed (8) eight square feet in area and shall comply with Section 26-8.6.

Section 26-8.13. Removal.

The City may remove and dispose of any sign in violation of this Chapter at any time without notice. (*Ord. 2002.02, 06-04-02*)

Section 26-8.14. Subdivision name markers.

Name markers for subdivisions may be located within the street right-of-way or within the normal front yard setback at the beginning of a subdivision road upon issuance of a Zoning Clearance Permit; provided the location of such marker is outside the intersection sight triangle (see 26-8.6) and the normal maintenance limits. Issuance of a Zoning Clearance Permit shall be subject to the following conditions:

1. All costs will be the responsibility of the applicant.
2. Neither the City nor the division of highways shall maintain the marker of the area around the marker.
3. The markers shall be removed if not properly maintained, or if required for street improvement purposes.
4. A maximum of one (1) marker shall be permitted for each subdivision entry point from a publicly dedicated and maintained street. A marker on both sides of a subdivision road entry point shall, for the purposes of this subsection, constitute a single marker.
5. If the sign is to be located within the right-of-way of any state system road, approval of the division of highways shall be required.
6. The developer shall assume tort liability for such markers.
7. The size restrictions of Figure 8-1 shall apply.
8. The developer shall agree in writing to these conditions.

Section 26-8.15. Maintenance.

All advertising structures, signs, and any wiring, lighting supports, braces, guys, anchors, poles and frames shall be kept in good repair at all times. The Code Enforcement Officer shall order immediate repair or removal of all elements of signage which violates this Section.

FIGURE 8-1

SCHEDULE OF PERMITTED AREA AND NUMBER OF SIGNS			
District	Number	Maximum Area (sq. ft)	Illuminated
R-20 ⁴	1	16	No
R-20A ⁴	1	16	No
R-11 ⁴	1	16	No
R-9 ⁴	1	16	No
R-7 ⁴	1	16	No
R-7A ⁴	1	16	No
P-1	See note 1, 2	2 per linear ft. of bldg. ftg.	Yes
B-1	See note 1, 2	2 per linear ft. of bldg. ftg.	Yes
B-2	See note 1, 2	3 per linear ft. of bldg. ftg.	Yes
B-3	See note 1, 2	2 per linear ft. of bldg. ftg.	Yes
B-4	See note 1, 2	3 per linear ft. of bldg. ftg.	Yes
M-1	See note 3	3 per linear ft. of bldg. ftg.	Yes
E-M1	See note 3	3 per linear ft. of bldg. ftg.	Yes

Notes:

1. One (1) sign which is to be attached to a building meeting these requirements is permitted for each side of the building fronting on a public street, except that freestanding signs are limited to one (1) per lot. The maximum area of the free-standing sign shall not exceed the applicable linear footage for the largest amount of building frontage.
2. Where two (2) or more establishments are located on the same zoning lot and free-standing signs are to be used, the individual signs identifying the premises and its occupants shall be combined in one (1) sign of unified design. The maximum area of the free-standing sign shall not exceed the applicable linear frontage or the largest amount of building frontage.
3. There is no limit to the total number of signs permitted, regardless of their placement upon the building, subject to the maximum total area limits. Free-standing signs are limited to no more than one (1) per abutting street. The maximum area of the free-standing sign shall be per notes 1 and 2.
4. Signs incidental to churches and civic organizations located in Residential Districts shall be permitted subject to the following limitations: Maximum area: .2 square feet per linear footage of lot frontage on public streets, not to exceed 100 square feet, for Church and Civic Organizations which occupy lots with less than 80 feet of street frontage, a sign of not more than 16 sq. Feet in area is permitted. Maximum number: One (1) free standing sign per abutting Public Street. Maximum height: Six (6) feet above adjacent grade and illumination: Internal only.